

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

MOTHER DOE and FATHER DOE,
on behalf of JOHN DOE., their minor child;

Case No. 3:23-cv-00498

Plaintiffs,

v.

SUMNER COUNTY BOARD OF
EDUCATION D/B/A SUMNER COUNTY
SCHOOLS,

Judge Campbell
Magistrate Judge Holmes

JURY DEMAND

Defendant.

**DEFENDANT'S MOTION TO STRIKE
CERTAIN ALLEGATIONS IN THE AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(f), Defendant Sumner County Board of Education (the “Board”), by and through counsel, respectfully moves to strike the racial harassment allegations in Plaintiffs’ Amended Complaint.

Plaintiffs’ original complaint asserted five causes of action. Count Five alleged that the Board violated Title VI of the Civil Rights Act based on racial harassment of Plaintiff John Doe. In filing their Amended Complaint, Plaintiffs removed Count Five. However, Plaintiffs failed to remove many racial harassment allegations that were tied to the now abandoned claim. And, despite no remaining racial harassment claim, Plaintiffs also added new race-related allegations into the Amended Complaint.

The Board respectfully requests that the Court strike Plaintiffs’ racial allegations because they are irrelevant to the remaining four causes of action. Striking them will streamline this litigation by eliminating any spurious issues in discovery and an eventual trial. And, importantly,

the Court should strike these allegations because they are inflammatory, scandalous, false, and highly prejudicial.

For these reasons, and those stated in the Board's contemporaneously filed Memorandum of Law, the Board respectfully requests that the Court grant the Board's Motion to Strike all racial harassment allegations from the Amended Complaint, including those in paragraphs 43–44, 48–50, and 57–58.

DATED: August 7, 2023.

Respectfully submitted,

s/ E. Todd Presnell

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via the Court's ECF system on the following:

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Attorney for Plaintiffs

on this 7th day of August 2023.

s/ E. Todd Presnell
E. Todd Presnell
